<center>**REMARKS**</center>

Applicants respectfully request consideration of the following remarks in response to the Office Action mailed February 20, 2008. Applicants respectfully submit that the remarks contained herein place the instant application in condition for allowance.

Upon entry of this response in this response, claims 1, 2, 10, 11, 18 – 20, and 25 are pending. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I.   **Claim 1 is Allowable Over _Appelman_**

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Number 6,912,564 ("_Appelman_"). Applicants respectfully traverse this rejection on the grounds that _Appelman_ does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 1 recites:

> A method for handling digital messages, the method comprising:
> determining whether a sender of a received email message is currently present at an Instant Messaging (IM) account; and
> **_in response to determining that the sender of the received email message is currently present at an IM account, automatically launching an IM session with the sender._**
> **(Emphasis added)**

Applicants respectfully submit that claim 1 is allowable over the cited art for at least the reason that _Appelman_ fails to disclose, teach, or suggest a "method for handling digital messages, the method comprising… **_in response to determining that the sender of the received email message is currently present at an IM account, automatically launching an IM session with the sender_**" as recited in claim 1. More specifically, _Appelman_ discloses "by clicking on the person's address, the recipient may send an e-mail message to the person" (column 14, line 30 and FIG. 10). Additionally, _Appelman_ discloses a "user may send an instant

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message to a person in the Mail Contacts list by clicking on that person's screen name" (column 14, line 21). As illustrated in these passages, *Appelman* discloses that a user must click on a person's screen name/address before *Appelman* will facilitate sending any type of message. Further, as illustrated in FIG. 10 of *Appelman*, an IM session is still not initiated until the user selects the "send an instant message" option from the window that is displayed. As sending of a message in *Appelman* occurs in response to a user clicking on a screen name (and then clicking on a "send an instant message option"), *Appelman* <u>cannot</u> disclose "*in response to determining that the sender of the received email message is currently present at an IM account, automatically launching an IM session with the sender*" as recited in claim 1.

Further, the Office Action argues that *Appelman* discloses "monitor[ing] whether a certain user is capable of receiving an instant message" and "automatically configuring an IM communication between an intended recipient of an email message and the sender of the email message" (OA page 2, line 13, citing *Appelman* Abstract) and consequently, according to the Office Action argument, discloses "*in response to determining that the sender of the received email message is currently present at an IM account, automatically launching an IM session with the sender*" as recited in claim 1. However, this is simply not an accurate analysis of the cited art or claim 1. First, monitoring whether a user has an IM capability is different than determining whether an email sender is currently present at an IM account. Second, there is absolutely no nexus between the two passages cited by the Office Action by which one could conclude that *Appelman* discloses or even suggests "*in response to determining that the sender of the received email message is currently present at an IM account, automatically launching an IM session with the sender*" as recited in claim 1. Third, as indicated by the passage cited by Applicant above, *Appelman* clarifies the passage from the abstract by indicating that "user may send an instant message to a person in the Mail Contacts list <u>by clicking on that person's screen name</u>" (<u>emphasis added</u> column 14, line 21). For at least these reasons, claim 1 is allowable.

II.   Claim 10 is Allowable Over *Appelman*

The Office Action indicates that claim 10 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Number 6,912,564 ("*Appelman*"). Applicants respectfully traverse this rejection on the grounds that *Appelman* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 10 recites:

> A computer-readable storage medium comprising:
> computer-readable code adapted to instruct a programmable device to determine whether a sender of a received email message is currently present at an Instant Messaging (IM) account; and
> **computer-readable code adapted to instruct a programmable device to, in response to determining that the sender of the received email message is currently present at an IM account, automatically launch an IM session with the sender.**
> **(Emphasis added)**

Applicants respectfully submit that claim 10 is allowable over the cited art for at least the reason that *Appelman* fails to disclose, teach, or suggest a "computer-readable storage medium comprising... ***computer-readable code adapted to instruct a programmable device to, in response to determining that the sender of the received email message is currently present at an IM account, automatically launch an IM session with the sender***" as recited in claim 10. More specifically, *Appelman* discloses "by clicking on the person's address, the recipient may send an e-mail message to the person" (column 14, line 30 and FIG. 10). Additionally, *Appelman* discloses a "user may send an instant message to a person in the Mail Contacts list by clicking on that person's screen name" (column 14, line 21). As illustrated in these passages, *Appelman* discloses that a user must click on a person's screen name/address before *Appelman* will facilitate sending any type of message. Further, as illustrated in FIG. 10 of *Appelman*, an IM session is still not initiated until the user selects the "send an instant message" option from the window that is displayed. As sending of a message in *Appelman* occurs in

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response to a user clicking on a screen name (and then clicking on a "send an instant message option"), *Appelman* <u>cannot</u> disclose "***computer-readable code adapted to instruct a programmable device to, in response to determining that the sender of the received email message is currently present at an IM account, automatically launch an IM session with the sender***" as recited in claim 10.

Further, the Office Action argues that *Appelman* discloses "monitor[ing] whether a certain user is capable of receiving an instant message" and "automatically configuring an IM communication between an intended recipient of an email message and the sender of the email message" (OA page 2, line 13, citing *Appelman* Abstract) and consequently, according to the Office Action argument, discloses "***computer-readable code adapted to instruct a programmable device to, in response to determining that the sender of the received email message is currently present at an IM account, automatically launch an IM session with the sender***" as recited in claim 10. However, this is simply not an accurate analysis of the cited art or claim 10. First, monitoring whether a user has an IM capability is different than determining whether an email sender is currently present at an IM account. Second, there is absolutely no nexus between the two passages cited by the Office Action by which one could conclude that *Appelman* discloses or even suggests "***computer-readable code adapted to instruct a programmable device to, in response to determining that the sender of the received email message is currently present at an IM account, automatically launch an IM session with the sender***" as recited in claim 10. Third, as indicated by the passage cited by Applicant above, *Appelman* clarifies the passage from the abstract by indicating that "user may send an instant message to a person in the Mail Contacts list <u>by clicking on that person's screen name</u>" (<u>emphasis added</u> column 14, line 21). For at least these reasons, claim 10 is allowable.

III.   <u>Claim 18 is Allowable Over *Appelman*</u>

The Office Action indicates that claim 18 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Number 6,912,564 ("*Appelman*"). Applicants respectfully traverse this rejection on the grounds that *Appelman* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 18 recites:

> A system for handling digital messages, the system comprising:
> means for determining whether a sender of a received email message is currently present at an Instant Messaging (IM) account; and
> ***means for, in response to determining that the sender of the received email message is currently present at an IM account, automatically launching an IM session with the sender.***
> **(Emphasis added)**

Applicants respectfully submit that claim 18 is allowable over the cited art for at least the reason that *Appelman* fails to disclose, teach, or suggest a "system for handling digital messages, the system comprising… ***means for, in response to determining that the sender of the received email message is currently present at an IM account, automatically launching an IM session with the sender***" as recited in claim 18. More specifically, *Appelman* discloses "by clicking on the person's address, the recipient may send an e-mail message to the person" (column 14, line 30 and FIG. 10). Additionally, *Appelman* discloses a "user may send an instant message to a person in the Mail Contacts list by clicking on that person's screen name" (column 14, line 21). As illustrated in these passages, *Appelman* discloses that a user must click on a person's screen name/address before *Appelman* will facilitate sending any type of message. Further, as illustrated in FIG. 10 of *Appelman*, an IM session is still not initiated until the user selects the "send an instant message" option from the window that is displayed. As sending of a message in *Appelman* occurs in response to a user clicking on a screen name (and then clicking on a "send an instant message option"), *Appelman* <u>cannot</u> disclose "***means for, in response to determining that the sender of the received email message is***

currently present at an IM account, automatically launching an IM session with the sender" as recited in claim 18.

Further, the Office Action argues that *Appelman* discloses "monitor[ing] whether a certain user is capable of receiving an instant message" and "automatically configuring an IM communication between an intended recipient of an email message and the sender of the email message" (OA page 2, line 13, citing *Appelman* Abstract) and consequently, according to the Office Action argument, discloses "*means for, in response to determining that the sender of the received email message is currently present at an IM account, automatically launching an IM session with the sender*" as recited in claim 18. However, this is simply not an accurate analysis of the cited art or claim 18. First, monitoring whether a user has an IM capability is different than determining whether an email sender is currently present at an IM account. Second, there is absolutely no nexus between the two passages cited by the Office Action by which one could conclude that *Appelman* discloses or even suggests "*means for, in response to determining that the sender of the received email message is currently present at an IM account, automatically launching an IM session with the sender*" as recited in claim 18. Third, as indicated by the passage cited by Applicant above, *Appelman* clarifies the passage from the abstract by indicating that "user may send an instant message to a person in the Mail Contacts list <u>by clicking on that person's screen name</u>" (<u>emphasis added</u> column 14, line 21). For at least these reasons, claim 18 is allowable.

IV.   Claim 19 is Allowable Over *Appelman*

The Office Action indicates that claim 19 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Number 6,912,564 ("*Appelman*"). Applicants respectfully traverse this rejection on the grounds that *Appelman* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 19 recites:

A system for handling digital messages, the system

comprising:

condition-determination logic adapted to determine whether a sender of a received email message is currently present at an Instant Messaging (IM) account; and

launch logic configured to, in response to determining that the sender of the email message is currently present at an IM account, automatically launch an IM session with the sender.

(Emphasis added)

Applicants respectfully submit that claim 19 is allowable over the cited art for at least the reason that *Appelman* fails to disclose, teach, or suggest a "system for handling digital messages, the system comprising*... launch logic configured to, in response to determining that the sender of the email message is currently present at an IM account, automatically launch an IM session with the sender*" as recited in claim 19. More specifically, *Appelman* discloses "by clicking on the person's address, the recipient may send an e-mail message to the person" (column 14, line 30 and FIG. 10). Additionally, *Appelman* discloses a "user may send an instant message to a person in the Mail Contacts list by clicking on that person's screen name" (column 14, line 21). As illustrated in these passages, *Appelman* discloses that a user must click on a person's screen name/address before *Appelman* will facilitate sending any type of message. Further, as illustrated in FIG. 10 of *Appelman*, an IM session is still not initiated until the user selects the "send an instant message" option from the window that is displayed. As sending of a message in *Appelman* occurs in response to a user clicking on a screen name (and then clicking on a "send an instant message option"), *Appelman* <u>cannot</u> disclose "*launch logic configured to, in response to determining that the sender of the email message is currently present at an IM account, automatically launch an IM session with the sender*" as recited in claim 19.

Further, the Office Action argues that *Appelman* discloses "monitor[ing] whether a certain user is capable of receiving an instant message" and "automatically configuring an IM communication between an intended recipient of an email message and the sender of the email message" (OA page 2, line 13, citing *Appelman* Abstract) and consequently, according to the

Office Action argument, discloses "***launch logic configured to, in response to determining that the sender of the email message is currently present at an IM account, automatically launch an IM session with the sender***" as recited in claim 19. However, this is simply not an accurate analysis of the cited art or claim 19. First, monitoring whether a user has an IM capability is different than determining whether an email sender is currently present at an IM account. Second, there is absolutely no nexus between the two passages cited by the Office Action by which one could conclude that *Appelman* discloses or even suggests "***launch logic configured to, in response to determining that the sender of the email message is currently present at an IM account, automatically launch an IM session with the sender***" as recited in claim 19. Third, as indicated by the passage cited by Applicant above, *Appelman* clarifies the passage from the abstract by indicating that "user may send an instant message to a person in the Mail Contacts list <u>by clicking on that person's screen name</u>" (<u>emphasis added</u> column 14, line 21). For at least these reasons, claim 19 is allowable.

V.   **Claim 25 is Allowable Over *Appelman***

The Office Action indicates that claim 25 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Number 6,912,564 ("*Appelman*"). Applicants respectfully traverse this rejection on the grounds that *Appelman* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 25 recites:

> A system for handling digital messages, the system comprising:
> condition-determination logic adapted to determine whether a sender of a received digital message is currently present at an Instant Messaging (IM) account;
> ***launch logic configured to, in response to determining that the sender of the received digital message is currently present at an IM account, automatically launch an IM session with the sender***.
> ***(Emphasis added)***

Applicants respectfully submit that claim 25 is allowable over the cited art for at least the reason that *Appelman* fails to disclose, teach, or suggest a "system for handling digital messages, the system comprising… ***launch logic configured to, in response to determining that the sender of the received digital message is currently present at an IM account, automatically launch an IM session with the sender***" as recited in claim 25. More specifically, *Appelman* discloses "by clicking on the person's address, the recipient may send an e-mail message to the person" (column 14, line 30 and FIG. 10). Additionally, *Appelman* discloses a "user may send an instant message to a person in the Mail Contacts list by clicking on that person's screen name" (column 14, line 21). As illustrated in these passages, *Appelman* discloses that a user must click on a person's screen name/address before *Appelman* will facilitate sending any type of message. Further, as illustrated in FIG. 10 of *Appelman*, an IM session is still not initiated until the user selects the "send an instant message" option from the window that is displayed. As sending of a message in *Appelman* occurs in response to a user clicking on a screen name (and then clicking on a "send an instant message option"), *Appelman* <u>cannot</u> disclose "***launch logic configured to, in response to determining that the sender of the received digital message is currently present at an IM account, automatically launch an IM session with the sender***" as recited in claim 25.

Further, the Office Action argues that *Appelman* discloses "monitor[ing] whether a certain user is capable of receiving an instant message" and "automatically configuring an IM communication between an intended recipient of an email message and the sender of the email message" (OA page 2, line 13, citing *Appelman* Abstract) and consequently, according to the Office Action argument, discloses "***launch logic configured to, in response to determining that the sender of the received digital message is currently present at an IM account, automatically launch an IM session with the sender***" as recited in claim 25. However, this is simply not an accurate analysis of the cited art or claim 25. First, monitoring whether a user has an IM capability is different than determining whether an email sender is currently present at an

IM account. Second, there is absolutely no nexus between the two passages cited by the Office

Action by which one could conclude that *Appelman* discloses or even suggests "***launch logic***

configured to, in response to determining that the sender of the received digital message

is currently present at an IM account, automatically launch an IM session with the

sender" as recited in claim 25. Third, as indicated by the passage cited by Applicant above,

Appelman clarifies the passage from the abstract by indicating that "user may send an instant

message to a person in the Mail Contacts list <u>by clicking on that person's screen name</u>"

(<u>emphasis added</u> column 14, line 21). For at least these reasons, claim 25 is allowable.

VI.   <u>**Claims 2, 11, and 20 are Allowable Over *Appelman***</u>

     The Office Action indicates that claim 2, 11, and 20 stands rejected under 35 U.S.C.

§102(b) as allegedly being anticipated by U.S. Patent Number 6,912,564 ("*Appelman*").

Applicants respectfully traverse this rejection on the grounds that *Appelman* does not disclose,

teach, or suggest all of the claimed elements. More specifically, dependent claim 2 is believed

to be allowable for at least the reason that this claim depends from and includes the elements of

allowable independent claim 1. Dependent claim 11 is believed to be allowable for at least the

reason that this claim depends from and includes the elements of allowable independent claim

10. Further, dependent claim 20 is believed to be allowable for at least the reason that this

claim depends from and includes the elements of allowable independent claim 19. *In re Fine,*

Minnesota Mining and Mfg.Co. v. Chemque, Inc., 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

For at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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